

EXHIBIT 3

Declaration of Clif Alexander

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Caroline Perry, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

McLeod Healthcare Network, LLC,

Defendant.

Civil Action

No. 4:22-cv-00061-JD

**DECLARATION OF
CLIF ALEXANDER**

I, Clif Alexander, being of sound mind and over the age of 18, make the following statements.

1. The facts contained in this declaration are within my personal knowledge and are true and correct.

2. I am a co-founding partner of Anderson Alexander, PLLC, and have served as lead counsel, along with our co-counsel counsel, Falls Legal, LLC, for the Plaintiff and the Collective Members in this case. Together, we are the Collective Counsel.

3. I submit this declaration in support of Plaintiffs' Unopposed Motion to Approve FLSA Settlement and Dismiss with Prejudice ("Motion"). I have reviewed the Motion and the facts contained therein, and they are true and correct, to the best of my knowledge.

4. Anderson Alexander, PLLC is a plaintiff and employee-side law firm that was founded in 2016 by me and my partner, Austin W. Anderson. Our firm practices almost exclusively in the area of labor and employment—specifically, in wage and hour law throughout the United States. We devote 95% of our practice to representing workers in class and collective actions under the Fair Labor Standards Act, 29 U.S.C. §§ 201–19, and various state wage laws. I, and the attorneys who performed services in this matter, have extensive experience litigating complex collective actions, like the matter pending before this Court. Since 2016, we have represented hundreds of thousands of employees in collective and class actions seeking unpaid wages for work performed throughout the United States.

5. I have spent my career litigating collective, class and mass action lawsuits and have been lead counsel in hundreds of individual, collective, and class action wage and hour cases across the United States. I have been licensed for fifteen (15) years and focus my practice on representing wage and hour clients throughout the United States.

6. I received my J.D. from South Texas College of Law-Houston in 2008. I am licensed to practice law in the State of Texas and am admitted to practice before the United States Supreme Court, the U.S. Courts of Appeals for the Federal Circuit, and the Fourth, Fifth, and Eleventh Circuits.

I am also admitted to practice in the following district courts: the Southern, Western, Eastern, and Northern Districts of Texas, the Court of Federal Claims, the District of Colorado, the Central District of Illinois, District of New Mexico, and the Eastern District of Michigan. I have litigated cases, either as an admitted attorney, or *pro hac vice*, in the federal district courts of Arizona, Utah, Washington, California, New Mexico, Colorado, Oklahoma, Iowa, Kansas, Kentucky, Missouri, Pennsylvania, Ohio, Illinois, Texas, Louisiana, Mississippi, Arkansas, Georgia, Alabama, Florida, Tennessee, South Carolina, Virginia, Wisconsin, Michigan, Vermont, New York, Massachusetts, Maine, and North Carolina.

7. I am involved in many professional organizations and keep abreast of the ever-changing body of laws related to employment on a federal and state level. I am a member of the American Association for Justice (“AAJ”), National Employment Lawyers Association (“NELA”), the Texas Employment Lawyers Association (“TELA”), and the Texas Trial Lawyers Association (“TTLA”), and regularly attend and speak at their conferences. I am also very active in my local bar association and long served as a director and president for the Corpus Christi Young Lawyers Association and the Corpus Christi Bar Association. I also participate in multiple employment-specific listservs.

8. My hourly rate in this case is \$650.00, and that amount is commensurate with the amount reasonably charged by other legal practitioners of my skill and experience specializing in collective and class actions arising under the Fair Labor Standards Act (“FLSA”) and related state wage and hour laws.

9. Austin W. Anderson, a co-founding member of Anderson Alexander, PLLC has also taken a lead role in the litigation of this matter. Mr. Anderson has also spent his career litigating class and mass action lawsuits and has been lead counsel in hundreds of individual, collective, and class action wage and hour cases across the United States. Mr. Anderson has been licensed for twenty (20) years and focuses his practice on representing wage and hour clients throughout the United States.

10. Mr. Anderson received his J.D. from St. Mary’s School of Law in 2003 and subsequently received his L.L.M. in trial advocacy from California Western in 2004. Mr. Anderson is licensed to practice law in the State of Texas and is admitted to practice before the U.S. Court of Appeals for the Fourth and Fifth Circuits, the Southern, Eastern, Western, and Northern Districts of Texas, the Central District of Illinois, the District of New Mexico, and the Eastern District of Michigan. He has litigated cases, either as an admitted attorney, or *pro hac vice*, in the federal district courts of Arizona, Arkansas, California, Washington, New Mexico, Oklahoma, Iowa, Pennsylvania, Ohio, Kentucky, Illinois, Texas, Louisiana, Georgia, Alabama, Florida, South Carolina, Tennessee, North Carolina, Missouri, Utah, New York, Massachusetts, Maine, Vermont and Virginia.

11. Mr. Anderson is involved in many professional organizations and keeps abreast of the ever-changing body of laws related to employment on a federal and state level. He is a member of the National Employment Lawyers Association (“NELA”), the Texas Employment Lawyers Association (“TELA”) and the Texas Trial Lawyers Association (“TTLA”) and regularly attends their conferences. Mr. Anderson is also active in the local bar associations and participates in multiple employment-specific listservs.

12. Mr. Anderson's hourly rate in this case is \$650.00, and that amount is commensurate with the amount reasonably charged by other legal practitioners of his skill and experience specializing in collective and class actions arising under the FLSA and related state wage and hour laws.

13. Lauren Braddy, a senior attorney with Anderson Alexander, PLLC, has also performed work on behalf of the Collective in this matter. Ms. Braddy has been licensed for more than thirteen years and graduated with honors from Baylor University School of Law in 2010. Early in her career, Ms. Braddy served as defense counsel representing large and small corporations with a nation-wide docket in federal and state courts and subsequently worked as a staff attorney for the Thirteenth Court of Appeals in Corpus Christi, Texas. Ms. Braddy joined Anderson Alexander, PLLC in 2015 and since that time, has focused on representing plaintiffs across the United States in complex representative actions, including class and collective actions alleging violations of federal and state laws. Ms. Braddy is admitted to practice before the United States Supreme Court, the Court of Appeals for the Fourth, Fifth, and Eleventh Circuits, the Southern, Western, Eastern, and Northern Districts of Texas, the Court of Federal Claims, the District of Colorado, the Central District of Illinois, the District of New Mexico, and the Eastern District of Michigan. Ms. Braddy has litigated cases, either as an admitted attorney, or pro hac vice, in the federal district courts of Arizona, California, New Mexico, Colorado, Oklahoma, Iowa, Pennsylvania, Ohio, Texas, Louisiana, Virginia, Utah, Georgia and Alabama. Ms. Braddy is involved in many professional organizations and is a member of the Trial Lawyers Association ("TTLA"), the National Employment Lawyers Association ("NELA"), the Texas Employment Lawyers Association ("TELA") and has been a speaker for multiple events, both at national conferences and locally within her community. Ms. Braddy is very active in her local bar associations and had long served as a director for the Corpus Christi Young Lawyers Association and is the current President for the Coastal Bend Women Lawyers Association. Ms. Braddy's typical hourly rate is \$550.00 an hour, and that rate is reasonable for an attorney of her skill and experience in this specialized body of law.

14. Cliff Gordon, a senior attorney with Anderson Alexander, PLLC, has also performed work on behalf of the Settlement Collective in this matter. Mr. Gordon has been a practicing attorney for more than twenty-five (25) years and has worked in complex civil litigation as both a defense and plaintiffs' attorney. Mr. Gordon began working with Anderson Alexander, PLLC in 2016 and since that time has practiced almost exclusively in complex representative civil litigation, including class and collective actions. Mr. Gordon works diligently to ensure that his clients receive the compensation legally owed to them and to effectively communicate with the clients through all phase of the litigation. Mr. Gordon obtained his undergraduate degree from Yale University and is a 1995 graduate of the University of Houston Law Center. Mr. Gordon is licensed in the state of Texas and is admitted to practice before all of the federal districts in Texas, and the Eastern District of Michigan. Mr. Gordon's typical hourly rate is \$600.00 an hour, and that rate is reasonable for an attorney of his skill and experience in this specialized body of law.

15. Carter Hastings, an attorney with Anderson Alexander, PLLC, has also performed significant work on behalf of the Collective in this matter. Mr. Hastings has represented thousands of workers in class, collective action, and individual lawsuits across the United States. Mr. Hastings graduated from Southern Methodist University's Dedman School of Law in 2016, and since returning to Corpus Christi, Texas, has become an active member in the local bar association, and served as President of the Corpus Christi Young Lawyers' Association. He is also a member of the National Employment Lawyers Association ("NELA"), the Texas Employment Lawyers Association ("TELA") and the Texas Trial Lawyers Association ("TTLA") and regularly attends their conferences.

Mr. Hastings is licensed in Texas and is admitted to practice in all four federal districts in Texas, the Eastern District of Michigan, and the Central District of Illinois. He has litigated cases, either as an admitted attorney, or pro hac vice, in the federal district courts of Illinois, Kansas, Kentucky, Louisiana, Missouri, Ohio, Oklahoma, Tennessee, and Texas. Mr. Hastings' hourly rate in this case is \$450.00, and that amount is commensurate with the amount reasonably charged by other legal practitioners of his skill and experience specializing in collective and class actions arising under the FLSA and related state wage and hour laws.

16. Locke Henry, an attorney with Anderson Alexander, PLLC, also worked on this case. Mr. Henry began working with Anderson Alexander, PLLC as an associate attorney in 2022. Mr. Henry represents plaintiffs in personal injury and employment law disputes. Mr. Henry graduated from Marquette University School of Law in 2016, and is licensed in Michigan and Texas. Mr. Henry is a member of the Texas Employment Lawyers Association ("TELA"). Upon arriving in Corpus Christi, Mr. Henry has become an active member in local bar associations, including the Corpus Christi Bar Association, Corpus Christi Young Lawyers Association, and the Coastal Bend Women Lawyers' Association. His hourly rate is \$450.00 which is reasonable for an attorney of his skill and experience in this specialized body of law.

17. The above attorneys with the law firm of Anderson Alexander, PLLC have represented hundreds of thousands of employees in collective and class action wage and hour litigation. As such, I can verify that I am familiar not only with this complex area of the law, but that I am also familiar with these specific claims in the industry, and specifically in this case.

18. Anderson Alexander, PLLC has been actively litigating this case for approximately two years and has 498.9 billable hours invested, for a lodestar amount of \$211,365.00.¹ The below chart identifies the lodestar breakdown by time-keeper.

Time-Keeper	Hours	Rate	Total
Clif Alexander	52.3	\$ 650.00	\$ 33,995.00
Austin Anderson	25.2	\$ 650.00	\$ 16,380.00
Lauren Braddy	53.4	\$ 550.00	\$ 29,370.00
Cliff Gordon	2.2	\$ 550.00	\$ 1,210.00
Carter Hastings	242	\$ 450.00	\$ 108,900.00
Locke Henry	9.8	\$ 450.00	\$ 4,410.00
Paralegal	114	\$ 150.00	\$ 17,100.00
	498.9		\$ 211,365.00

¹ Collective Counsel will provide the detailed billing records for this matter for in camera review should the Court desire to review them.

19. Despite their significantly higher combined lodestar, the Parties agreed and separately negotiated that \$240,000.00 of the Gross Settlement Amount be allocated as payment for attorneys' fees.

20. Collective Counsel will continue to devote attorney time and resources to the resolution of this matter. Specifically, we will take any further actions deemed necessary by the Court regarding the approval of the Settlement at issue. In the event this Court approves the Settlement, we will work expeditiously (along with the Defendant) to ensure the settlement payments are timely made according to the timeline included in the Settlement and will assist the third-party administrator as they administer the settlement.

21. I represent that the Settlement reached herein was fair and reasonable, and I believe it constitutes an exceptional result considering the defenses at issue and the risk involved. The Collective Members will receive their Settlement Check with their Settlement Notice. They will receive substantial monetary relief now, instead of some uncertain future date. Accordingly, the Settlement provides the Collective Members with substantial relief, promptly and efficiently, and augments the benefits of that relief through the economies of collective resolution. Plaintiff Perry was pleased with the Agreement and believe it provides for a fair resolution of her claims and the claims of the Collective Members.

22. Further litigation through trial, and the potential for appeal, requires substantial risk—and additional time. In the event the Settlement is not approved, Defendant will submit its Motion for Decertification to which Plaintiffs will have to prepare a response. The Parties will litigate the issue of whether collective treatment is appropriate before advancing to further discovery. This discovery would encompass written discovery, depositions, and potentially third-party discovery. The Parties would then likely file their dispositive motions after the close of discovery.

23. In choosing to accept representation and engage in the litigation of this matter, Collective Counsel was unable to accept other promising cases.

24. The attorney-client contract between Collective Counsel and the Named Plaintiff, provides for representation on a contingent fee basis. Collective Counsel agreed to cover all case expenses and litigation costs (up to and including being responsible for Defendant's statutory court costs in the event it prevailed on the merits). The Agreement provides that Collective Counsel is entitled to a 40% contingency fee of the gross settlement amount, in addition to reimbursement of litigation costs and expenses actually incurred.

25. Plaintiff Perry has invested significant time in this case. First and foremost, she undertook significant reputational risk in acting as the Named Plaintiff. Plaintiff Perry provided extensive information that aided us in advocating for the Collective as a whole in reaching a resolution that benefited the Collective. Without her services, the Settlement Agreement would not exist, and the Collective would not stand to realize their significant financial gains.

26. The reputational harm Plaintiff Perry incurred as a result of her willingness to stand up for herself and her fellow co-workers will remain on-going and future employers will be easily able to discover that she previously brought suit against an employer.

27. For these services to the Collective, and the execution of a General Release, Plaintiff Perry seeks to recover a small Service Award of \$2,500.00, in addition to her respective Settlement Payment.

28. Likewise, Collective Counsel request that each Plaintiff who participated in the discovery process, either by sitting for their deposition and/or providing written discovery, receive modest service awards for their additional efforts on behalf of the collective. For those individuals who both provided deposition testimony and responded to written discovery, Collective Counsel request that they receive a service award of \$1,000.00. For those individuals who responded to written discovery, Collective Counsel requests that they receive a service award of \$500.00. Without their efforts, the Settlement benefitting the entire Collective would not be possible.

29. Based on the foregoing, the undersigned declarant respectfully requests that this Court approve the Settlement between the parties and authorize the manner and method of the distribution of the settlement, as discussed therein.

30. I declare under the penalty of perjury that the foregoing information is true and correct.

Executed on: November 17, 2023

Signed by: s/ Clif Alexander
Clif Alexander